

REMARKS

A. Front Page of Office Action

The office action mailed 05/07/2003 indicates that claims 1, 2, 4-12, and 14-24 are pending and rejected. The applicants agree that the front page summary of the office action reflects the contents of the office action.

B. Summary and Response to Items Enumerated in the Office Action

On page 2 line 11 to page 5 line 10, the office action rejects claims 1, 2, 4-12 and 14-24 over combinations of USP 6,088,701 to Plantz ("Plantz"), USP 5,377,355 to Price ("Price"), and the article entitled "Peering into Peer Review" (herein "Publication").

In response, the applicant disputes the propriety of all of the rejections. The applicant's reasons why the rejections are disputed are contained in the appeal brief submitted herewith, which reasons are hereby incorporated herein by reference.

This application is not under final so that applicant has the right to have the claims presented in this amendment entered.

This application has been rejected twice, and therefore the applicants have a right to appeal. Ex parte Lemoine, 46 USPQ2d 1420, ___ (PTOBPAI 1994)(precedential decision of an expanded panel including APJ Schafer, APJ Meister, SAPJ McKelvey, and CAPJ Stoner), stating that:

Considering these sections together, we conclude that "claims" as used in §134 is a reference to the repeated "claim for a patent" as used in §132 rather than a reference to a particular claim "of an application." Under our interpretation, *so long as the applicant has twice been denied a patent, an appeal may be filed*. So construing the statute, we conclude that applicant's claims for a patent have been twice rejected. Applicant has been denied a patent three times. Applicant, therefore, had the right to appeal and we, accordingly, have jurisdiction.
[Emphasis supplied.]

The applicant adds additional claims 25 - 34 suggested by the distinctions between the disclosed invention, the prior art, and the examiner's assertions regarding the teachings of the prior art and the examiner's construction of the claims.

In addition, the applicant removes the text added to independent claim 1, 11, and 20 in

anticipation of obtaining allowance of those claims prior to the latest office action, since the applicant believes that those additions are not necessary for patentability.

The applicant also corrects antecedent basis problems in claims 4 and 14 by changing their dependency to the immediately preceding claim.

C. Support For New Claims 25-34

Support for the new claims can be found as follows:

Claim 25: page 5 lines 14-17 and 22-25.

Claim 26: page 5 lines 1-8 and 22-25.

Claim 27: page 5 lines 1-8 and page 6 lines 8-21.

Claim 28: page 5 lines 1-8 and page 6 lines 8-21.

Claim 29: page 6 line 24 through page 7 line 8.

Claim 30: page 6 line 24 through page 7 line 8 and page 7 lines 9-20.

Claim 31: page 4 lines 17-19 and page 5 lines 1-8, lines 14-17 and 22-25, page 8 lines 9-12.

Claim 32: page 5 lines 1-8 and page 6 line 24 through page 7 line 8.

Claim 33: page 6 line 24 through page 7 line 8 and page 7 lines 10-20.

Claim 34: page 5 lines 1-8 and page 6 line 24 through page 7 line 8.

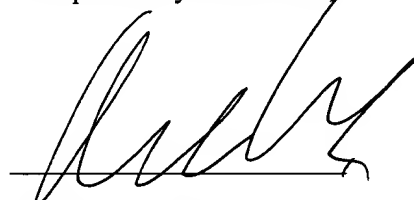
Neifeld IP Law, PC

Customer number

31518

8/22/03
Date

Respectively Submitted,



Richard A. Neifeld, Ph.D.

Registration No. 35,299

Attorney of Record

Printed: August 29, 2002 (2:40pm)

Y:\Clients\Journal Press\EJOU0010UUS\Drafts\ThirdAmendment_030818.wpd